

MTC EXHIBIT A

DISCOVERY RE: BNSF'S DISCIPLINE OF MADDEN

BUTLER'S 1ST REQUEST FOR PRODUCTION NO. 22: Documents reflecting, discussing or referencing if any BNSF employee, including Jeff Madden or Chad Nesteby, was disciplined in any way, shape or form for their conduct related to Caleb Butler, Jeremy Pennington, the Formal Investigation, Butler's report of injury, threats made or conduct related to Butler and/or Pennington, BNSF 143, BNSF 3185 or Butler's and Pennington's work on August 18 or 19, 2021.

RESPONSE (Dated November 28, 2022): BNSF objects to this Request because it seeks documents that are not relevant or reasonably calculated to lead to the discovery of admissible evidence in this FRSA case. BNSF further objects because this Request seeks documents protected by attorney/client privilege and documents that were created in anticipation of litigation. Without waiving these objections, see Answer to Interrogatory No. 6.

BUTLER'S 4TH REQUEST FOR PRODUCTION NO. 1: All documents referencing, discussing, relating to or showing the result of BNSF's 2021 performance review(s) and / or evaluation(s) of Jeff Madden. This includes documents showing the performance review itself, the persons involved in the review, each of the factors / metrics that BNSF considered in Jeff Madden's performance, how BNSF rated Jeff Madden's performance concerning each factor considered, whether or not Jeff Madden met BNSF's goals for safety and / or injuries, and / or any factors or categories that BNSF determined were met, exceeded or needed improvement on. This request includes, but is not limited to, documents referencing or discussing BNSF's finding that Jeff Madden needed improvement on leadership skills.

RESPONSE (Dated June 16, 2023): BNSF objects to this Request because it is overly broad in time and scope; seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; it is not proportional to the needs of this case; and it seeks confidential, private, personal, or privileged information about persons not party to this lawsuit without their consent or authorization. Further, this Request includes confidential and proprietary business information, strategy, and objectives that are not relevant or reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of this case. Subject to and without waiving the foregoing objections, BNSF is withholding documents subject to the above objections.

BUTLER'S 4TH REQUEST FOR PRODUCTION NO. 5: All documents referencing, discussing, relating to or alluding to any counseling, coaching or discipline to any BNSF employee, including Jeff Madden, Chad Nesteby, Janssen Thompson, Dentin Chapman, or BNSF's mechanical department, arising from the August 19, 2021, hard coupling at issue, the formal investigation conducted by BNSF related to the hard coupling, or Caleb Butler's and / or Jeremy Pennington's reports concerning Caleb Butler's injuries and / or defects and safety concerns with the Locomotive Consist. This request includes, but is not limited to, all documents referencing or reflecting the counseling to Jeff Madden identified in BNSF's answer to Interrogatory 6.

RESPONSE (Dated June 16, 2023): BNSF objects to this Request because it is overly broad in time and scope; seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of this case; and it seeks confidential, personal, private, or privileged information about persons not party to this lawsuit without their consent or authorization. Subject to and without waiving the foregoing objections, BNSF has no responsive documents for Chad Nesteby, Janssen Thompson, Dentin Chapman, or BNSF's mechanical department. BNSF counseled Jeff Madden on or about January 19, 2022 that during stressful situations he sometimes had an abrasive approach and failed to appropriately maintain composure, and that Mr. Madden needed improvement in this area of leadership, but it did not pertain to the hard coupling, or reports concerning Caleb Butler's injuries and / or defects and safety concerns with the Locomotive Consist. BNSF is withholding a document regarding Jeff Madden subject to the above objections.